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1. For variety reasons but principally because of primary responsibility of US, UK and France for settlement German problems and the formulation of steps designed to meet Soviet initiatives with USSR, contingency planning has been conducted on tripartite basis. Special German concern and interest in contingency planning is recognized. We agree that Germans must participate in discussions before questions contingency planning raised in NATO forum.

Department has question of proper timing of German participation under continuing review.

2. Counter-harassment paper, as all contingency planning to date, has concerned itself with possible tripartite action in event Soviet-East German

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JUN 5 - 1959 P.M.

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obstruction Allied access to Berlin. In fact, feasible Allied counter-measures in event obstruction Allied access and in event possible obstruction German access could probably be applicable in either case. However, Department would be particularly interested in ascertaining any planning Federal Republic may have done on own possible counter-measures against obstruction Berlin access either of Allies or Federal Republic. Embassy authorized to make inquiry at Foreign Office concerning such planning,

3. We would welcome earliest results Brandt study mentioned para 2 of Berlin's 1040. ~~(We proposing to examine independently question measures needed to meet GDR harassment against West Berlin up to and including total blockade)~~

4. Mention of legal aspects of certain courses of action in counter-harassment paper not intended to be preclusive but to indicate problems ~~now~~ involved and point out that employment these measures QUOTE could be justified only on other grounds UNQUOTE.

5. Counter-harassment paper assumes that contemplated measures could be taken independently or accompany whatever military action might be decided upon. Paper was preliminary study to compile inventory of available counter-harassments. Relating specific counter-harassments or other non-military counter-measures to specific courses of military action would introduce unnecessary degree of inflexibility. Department considers that study and planning available courses of

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military and non-military action will provide sufficient degree of preparedness to meet possible Soviet actions while preserving desirable degree of flexibility in determining sequences or combination of actual moves to be undertaken. Furthermore, British and French would probably be reluctant to make firm decisions in advance on full range of counter-measures particularly those of an economic nature.

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